

MARY J. SHEA, ESQ. (SBN: 113222)
SHEA LAW OFFICES
425 Market Street, Suite 2200
San Francisco, CA 94105
Telephone: (510) 208-4422
Facsimile: (415) 520-9407
Email: SheaLaw@aol.com

LESLIE F. LEVY, ESQ. (SBN: 104634)
DARCI E. BURRELL, ESQ. (SBN: 180467)
BOXER & GERSON, LLP
300 Frank H. Ogawa Plaza, Suite 500
Oakland, CA 94612
Telephone: (510) 835-8870
Facsimile: (510) 835-0415
Email: courtmail@boxerlaw.com

SHARON R. VINICK, ESQ. (SBN: 129914)
EMILY A. NUGENT, ESQ. (SBN: 255048)
VINICK LAW OFFICES
350 Sansome Street, 300
San Francisco, CA 94104
Telephone: (415) 722-4481
Facsimile: (415) 276-6338
Email: sharon@vinicklaw.com

Attorneys for Plaintiffs

DENNIS J. HERRERA, ESQ. (SBN: 139669)
City Attorney
ELIZABETH SALVESON, ESQ. (SBN: 83788)
Chief Labor Attorney
JONATHAN ROLNICK, ESQ. (SBN: 151814)
ROSE-ELLEN FAIRGRIEVE, ESQ. (SBN: 181257)
Deputy City Attorneys
Fox Plaza
1390 Market Street, 5th Floor
San Francisco, CA 94102-5408
Telephone: (415) 554-3815
Facsimile: (415) 554-4248

Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Francisco)

JAMES WILSON, and other similarly
situated persons,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO,

Defendant.

Case No.: 3:07-cv-01016 PJH

**JOINT STIPULATION REGARDING
STAY OF PROCEEDINGS**

1 Plaintiffs JAMES WILSON and other similarly situated persons, through their attorneys,
2 and Defendant CITY AND COUNTY OF SAN FRANCISCO, through its attorney, hereby
3 submit the Parties' Joint Stipulation Regarding a Stay of Proceedings in the above-captioned
4 case, as follows:

- 5 1. The Parties appeared before Magistrate Judge Chen on March 13, 2009, to continue
6 the settlement negotiations they have been engaged in since November 18, 2008.
- 7 2. The Parties are scheduled to appear before Magistrate Judge Chen on July 13, 2009,
8 to continue these settlement discussions.
- 9 3. The case is currently stayed until July 31, 2009.
- 10 4. Since the time that the parties originally agreed to stay the litigation, the Ninth Circuit
11 has heard oral argument on *Bamonte v. City of Mesa*, a case which is directly relevant
12 to the issues at hand, as it will have an impact upon liability in this case, as well as the
13 discovery that will be conducted. However, the Ninth Circuit had not yet issued a
14 decision in that case. Proceeding in the instant case before the Ninth Circuit decides
15 the merits of the *Bamonte* case is likely to result in the unnecessary expenditure of
16 time and resources by all parties to the litigation.
- 17 5. Since the case was stayed, the Mayor has appointed a new Chief of Police, George
18 Gascon, who has not yet begun his tenure and has not yet been briefed on the case.
- 19 6. The Parties recognize that the decision in the *Bamonte* case, as well as the
20 appointment of a new Chief of Police bear directly upon the ability of the Parties to
21 settle the case at issue.

22 ///

23 ///

24 ///

25 ///

26 ///

1 7. In light of the foregoing, the Parties request that the Court vacate the Case
2 Management Conference scheduled for July 31, 2009, and grant a stay of the
3 proceedings, subject to review, until October 31, 2009.
4

5 **SHEA LAW OFFICES**
6 **BOXER & GERSON, LLP**
7 **VINICK LAW FIRM**

8 DATED: July 8, 2009

9 By: /s/
10 MARY J. SHEA, ESQ.
11 LESLIE F. LEVY, ESQ.
12 SHARON VINICK, ESQ.
13 Attorneys for Plaintiffs

14 **SAN FRANCISCO CITY ATTORNEY**

15 DATED: July 8, 2009

16 By: /s/
17 JONATHAN ROLNICK, ESQ.
18 Attorneys for Defendants

19 *****

20 IT IS SO ORDERED.

21 DATED: 7/13/09

22 By: 
23 
24 The seal is circular with the text "UNITED STATES DISTRICT COURT" at the top and "NORTHERN DISTRICT OF CALIFORNIA" at the bottom. In the center is a rectangular stamp that reads "IT IS SO ORDERED" with a signature over it and "Judge Phyllis J. Hamilton" below the signature.
25
26